

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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	)	
BRENDA HICKMAN, et al.,	)	No. C08-3686 SC (BZ)
	)	
Plaintiff(s),	)	<b>ORDER SCHEDULING</b>
	)	<b>SETTLEMENT CONFERENCE</b>
	)	
v.	)	
	)	
	)	
	)	
TRUST DEED INVESTMENTS INC.,	)	
et al.,	)	
Defendant(s).	)	
_____	)	

The above matter was referred to Magistrate Judge Bernard Zimmerman for settlement purposes.

You are hereby notified that a settlement conference is scheduled for **Monday, September 29, 2008 at 1:30 p.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. This is the only date Judge Zimmerman presently has available before the scheduled trial. The court's case management calendar begins at 4:00 p.m.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for

1 settlement purposes is completed by the date of the settlement  
2 conference. Counsel shall cooperate in providing discovery  
3 informally and expeditiously.

4       Lead trial counsel shall appear at the Settlement  
5 Conference with the parties. Any party who is not a natural  
6 person shall be represented by the person or persons **not**  
7 **directly involved** in the events which gave rise to the  
8 litigation but with **full** authority to negotiate a settlement. A  
9 person who needs to call another person not present before  
10 accepting, rejecting or making any settlement offer does not  
11 have full authority. An insured party shall appear with a  
12 representative of the carrier with full authority to negotiate  
13 up to the limits of coverage. The Court shall be notified  
14 immediately if the carrier declines to attend. Personal  
15 attendance of a party representative will rarely be excused by  
16 the Court, and then only upon separate written application  
17 demonstrating substantial hardship served on opposing counsel  
18 and lodged as early as the basis for the hardship is known.  
19 Having to travel from outside the Bay Area is an ordinary not a  
20 substantial hardship.

21       Each party shall prepare a Settlement Conference Statement,  
22 which must be served on opposing counsel and lodged (not faxed)  
23 with my chambers no later than seven calendar days prior to the  
24 conference. The Statement shall **not** be filed with the Clerk of  
25 the Court. The Statement **may** be submitted on CD-ROM with  
26 hypertext links to exhibits. Otherwise, the portion of exhibits  
27 on which the party relies **shall** be highlighted. The Settlement  
28 Conference Statement shall not exceed ten pages of text and

1 twenty pages of exhibits and shall include the following:

2 1. A brief statement of the facts of the case.

3 2. A brief statement of the claims and defenses  
4 including, but not limited to, statutory or other grounds upon  
5 which the claims are founded.

6 3. A summary of the proceedings to date and any pending  
7 motions.

8 4. An estimate of the cost and time to be expended for  
9 further discovery, pretrial and trial.

10 5. For any party seeking relief, a description of the  
11 relief sought, including an itemization of damages.

12 6. The parties' position on settlement, including present  
13 demands and offers and a history of past settlement discussions.  
14 The Court's time can best be used to assist the parties in  
15 completing their negotiations, not in starting them. If a party  
16 seeks attorney's fees and costs, its counsel shall either  
17 include the fee claim in the demand or make a separate,  
18 simultaneous demand for fees and costs. Counsel shall be  
19 prepared at the conference to provide sufficient information to  
20 defendant to enable the fee claim to be evaluated for purposes  
21 of settlement. The parties are urged to carefully evaluate  
22 their case before taking a settlement position since extreme  
23 positions hinder the settlement process.

24 Along with the Statement each party shall lodge with the  
25 court a document of no more than three pages containing a **candid**  
26 evaluation of the party's likelihood of prevailing on the claims  
27 and defenses, and any other information that party wishes not to  
28 share with opposing counsel. The more candid the parties are,

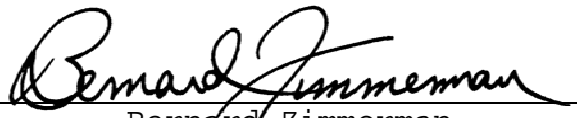
1 the more productive the conference will be. This document shall  
2 not be served on opposing counsel.

3 It is not unusual for conferences to last three or more  
4 hours. Parties are encouraged to participate and frankly  
5 discuss their case. Statements they make during the conference  
6 will not be admissible at trial in the event the case does not  
7 settle. The parties should be prepared to discuss such issues  
8 as:

- 9 1. Their settlement objectives.
- 10 2. Any impediments to settlement they perceive.
- 11 3. Whether they have enough information to discuss  
12 settlement. If not, what additional information is needed.
- 13 4. The possibility of a creative resolution of the dispute.

14 The parties shall notify Magistrate Judge Zimmerman's  
15 chambers immediately if this case settles prior to the date set  
16 for settlement conference. Counsel shall provide a copy of this  
17 order to each party who will participate in the conference.

18 Dated: September 18, 2008

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20 Bernard Zimmerman  
21 United States Magistrate Judge  
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